



U.S. Department of Justice

*United States Attorney
Southern District of New York*

MEMO ENDORSED

*86 Chambers Street
New York, New York 10007*

April 22, 2025

By ECF

Hon. Valerie Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/23/2025

Re: *American Civil Liberties Union Foundation v. U.S. Immigration and Customs Enforcement*, No. 24 Civ. 7183 (VEC)

Dear Judge Caproni:

This Office represents Defendant U.S. Immigration and Customs Enforcement (“ICE”) in the above-named action. Plaintiff American Civil Liberties Union Foundation (“ACLU”) brings suit pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). The parties respectfully submit a joint status update, in accordance with the Court’s order of February 21, 2025, ECF No. 30.

As discussed in previous status reports, ICE made three productions of responsive, non-exempt records in this case: on November 14, 2024, December 10, 2024, and January 15, 2025. Following those productions, Plaintiff requested further information about ICE’s productions and, in particular, challenged the basis for certain withholdings and inquired whether ICE would release certain previously withheld information. ICE agreed to withdraw its assertions that Exemption (b)(3) applied to information responsive to Part 1 of Plaintiff’s first FOIA request and to Plaintiff’s second FOIA request; however, because ICE had also redacted the same information pursuant to Exemption (b)(4), ICE’s withdrawal of the (b)(3) redactions did not result in the release of any additional information. Nonetheless, on April 1, 2025, ICE re-produced to Plaintiff the documents with the revised exemptions. Additionally, with respect to Exemption (b)(4), ICE agreed to review and reconsider the (b)(4) redactions in all of its productions to assess whether there might be grounds for a discretionary release of any information previously withheld. On April 1, ICE made a discretionary release of 253 pages of re-processed records.

On April 14, 2025, the parties met and conferred regarding next steps in resolving this case. ICE has agreed to re-process and release by May 2, 2025, certain pages of its April 1 release. Additionally, on April 17, 2025, ICE produced to Plaintiff a *Vaughn* index for a sample of ten redactions that Plaintiff had selected.

The parties propose the submission of another joint status letter on or before June 3, 2025, to further update the Court on their progress. We thank the Court for its consideration of this matter.

Respectfully submitted,

JAY CLAYTON
United States Attorney for the
Southern District of New York
Attorney for Defendant

By: /s/ Jessica F. Rosenbaum
JESSICA F. ROSENBAUM
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Telephone: (212) 637-2777
E-mail: jessica.rosenbaum@usdoj.gov

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
Attorney for Plaintiff

By: /s/ Eunice H. Cho
EUNICE H. CHO*
Senior Staff Attorney
American Civil Liberties Union
National Prison Project
915 15th Street NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 548-6616
Email: echo@aclu.org
*admitted *pro hac vice*

Application GRANTED. The parties must file a joint status update not later than **Tuesday, June 3, 2025.**

SO ORDERED.

 4/23/2025

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE